

RECEIVED
CENTRAL FAX CENTER

AUG 02 2005

WILLIAMS, MORGAN & AMERSON, P.C

10333 Richmond Drive, Suite 1100, Houston, Texas 77042

phone: 713-934-7000 fax: 713-934-7011

FACSIMILE TRANSMITTAL SHEET

GROUP ART UNIT 1753

DATE: AUGUST 2, 2005

TO: COMMISSIONER FOR PATENTS TOTAL NO. OF PAGES INCLUDING COVER: 3

FAX: 571.273.8300 PHONE:

FROM: KATHRYN DANAS

RE: REPLY BRIEF FILE: 4380.000300
S/N 10/051,970

☐ URGENT ☐ FOR REVIEW ☐ PLEASE YOUR FILE ☐ PLEASE REPLY ☐ PLEASE HANDLE

ORIGINAL: ☐ WILL FOLLOW ☒ WILL NOT FOLLOW

NOTES/COMMENTS:

MARK W. SINCELL | Patent Agent
Williams, Morgan & Amerson, P.C.
10333 Richmond | Suite 1100 | Houston, TX 77042
Voice: 713-934-4052 | Fax: 713-934-7011
EMAIL: MSINCELL@WMA-LAW.COM

CONFIDENTIALITY NOTE

The documents accompanying this facsimile transmission contain information from the law firm of Williams, Morgan & Amerson which may be confidential and/or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this fixed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

**RECEIVED
CENTRAL FAX CENTER****AUG 02 2005****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

BRUCE E. GNADE**ROBERT M. WALLACE**

Serial No.: 10/051,970

Filed: January 18, 2002

For: **METHOD FOR USING FIELD EMITTER
ARRAYS IN CHEMICAL AND
BIOLOGICAL HAZARD MITIGATION
AND REMEDIATION**

Group Art Unit: 1753

Examiner: Kishor Mayekar

Atty. Dkt. No.: 4380.000300

Customer No. 023720

REPLY BRIEF**CERTIFICATE OF TRANSMISSION
37 C.F.R. 1.8**I hereby certify that this correspondence is being transmitted by facsimile to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at
1.571.273.8300, on the date below:08/02/05
DateKathy Dana
Signature**BOX AF**

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellant hereby submits this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer mailed July 25, 2005. No fee is believed due for the filing of this Reply Brief. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Williams, Morgan & Amerson's P.C. Deposit Account 50-0786/4380.000300.

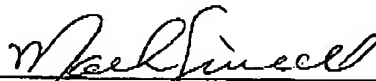
In the Answer, the Examiner repeated the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 set forth in the final rejection in this application. It is believed that the reasons that those rejections are improper are expressly set forth in the Appeal Brief filed in this matter.

On page 8 of the Examiner's Answer, the Examiner provides descriptions of methane and molybdenum in support of the Examiner's allegation that these compounds are toxins. Appellants note that these descriptions do not describe either of these compounds as toxins. To the contrary, methane is described as a simple asphyxiant and molybdenum is described as "essential for life." Thus, Appellants maintain their position that neither methane nor molybdenum is a chemical toxin or a biological toxin, as defined in the specification.

In view of the foregoing, it is respectfully submitted that the Examiner erred in rejecting the claims pending in the present application. Accordingly, Applicants respectfully request that the Board overrule the Examiner's decision and issue instructions that all pending claims be allowed.

Respectfully submitted,

Date: 8/2/05


Mark W. Sincell, Ph.D.
Reg. No. 52,226
WILLIAMS, MORGAN & AMERSON
10333 Richmond Avenue, Suite 1100
Houston, Texas 77042
(713) 934-4052
(713) 934-7011 (facsimile)

AGENT FOR APPLICANTS

Serial No. 09/644,734
Reply Brief